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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/448,836	11/23/1999	TARO SUITO	SONY-Q9138	5510

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EXAMINER
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VO, TUNG T

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 12/10/2003

15

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/448,836

Applicant(s)

SUITO ET AL.

Examiner

Tung T. Vo

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-87 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 39,60 and 82 is/are allowed.
- 6) ☐ Claim(s) 1-3,6,7,17-25,28,29,40-46,49,50,61-68,71,72 and 83-87 is/are rejected.
- 7) ☐ Claim(s) 4,5,8-16,26,27,30-38,47,48,51-59,69,70 and 73-81 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 11. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-87 have been considered but are moot in view of the new ground(s) of rejection.
2. The indicated allowability of claim 17 is withdrawn in view of the newly discovered reference(s) to Iggulden. Rejections based on the newly cited reference(s) follow.

### ***Information Disclosure Statement***

3. The information disclosure statement filed 5/30/02 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002

Art Unit: 2613

do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-3, 6-7, 23-25, 28-29, 44-46, 49-50, 66-68, 71, 72, and 83-87 are rejected under 35 U.S.C. 102(e) as being anticipated by Iggulden (US 6,002,443).

Re claims 1, 23, and 44, Iggulden discloses an apparatus for processing a television signal, wherein the television signal comprises frames of programs and commercials (100 of fig. 1), the apparatus comprising: means receiving means for receiving a television signal for an antenna (102 of fig. 1); commercial candidate block detecting means for detecting a commercial candidate sections in the television signal (108 of fig. 1); measuring means for measuring a length of commercial candidate block (110 of fig. 1, see also col. 9, lines 8-26); determining means for determining whether the commercial candidate block is a commercial block according to the first judgement (218 of figs. 8 and 12).

Iggulden further discloses the steps to detect television signal that comprises frames of programs and commercials as shown in figures 8-12.

Re claims 2, 24, and 45, Iggulden further discloses the standard length is 15 seconds (col. 9, lines 27-34).

Re claims 3, 25, and 46, Iggulden further discloses wherein the standard length is 450 frames (the standard television broadcast is 30 frames per second; when the standard length is within 15, the standard length is 450 frames ( $30 \text{ frames/second} \times 15 \text{ seconds} = 450 \text{ frames}$ ))

Re claims 6, 28, and 49, Iggulden further discloses wherein the predetermined ranges is 0.1 seconds (col. 12, lines 1-4, wherein the 30 seconds commercial is in the predetermined ranges between 28.9 to 32 seconds)

Re claims 7, 29, and 50, Iggulden further discloses the predetermined frames are 3 frames ( $30 \text{ frames/second} \times 0.1 \text{ seconds} = 3 \text{ frames}$ , the standard television signal has 30 frames/second).

Re claims 44-46, Iggulden discloses the method as shown in figures 8-12, cols. 15-20 .

Re claims 66-68 and 71-72, since Iggulden discloses all of the claimed features above, these claimed features is implemented on a write apparatus and a recording medium (fig. 19)

6. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Iggulden (US 5,999,689).

Re claim 17, Iggulden discloses an apparatus for processing a television signal comprising: signal receiving means for receiving a television signal (102 of fig. 1);

commercial candidate section detecting means (108 of fig. 1) for detecting a commercial candidate section in television signal;

a first measuring means (110 of fig. 1) for measuring a length of the commercial candidate section (118, 124 of fig. 2);

a first judging means for making a first judgement of whether the length of the commercial candidate section is within first predetermined range of an integral multiple of a standard length (col. 12, lines 18-55);

a second measuring means for measuring the length of an intermediate section (118 of fig. 2) between commercial candidate sections (112 and 114 of fig. 2, see also cols. 10-11)

7. Claims 18-22, 40-43, 61-65 and 83-87 are rejected under 35 U.S.C. 102(e) as being anticipated by Iggulden (US 6,002,443) in view of Iggulden (US 5,987, 210).

Re claims 18-22, 40-43, 61-65 and 83-87, Iggulden discloses an apparatus for processing television signal comprising signal receiving means as criterion receiving means for receiving a television signal (102 of fig. 1) from external device (the broadcast station); commercial extracting means for extracting a commercial based on reference criterion indicative of commercial characteristic (126 of fig. 1); alternative detecting means for detecting an alternation of the commercial characteristic (110 of fig. 1); wherein the alternation criterion storing means comprises a memory (150 of fig. 1) for storing the reference criterion.

It is noted that Iggulden (US 5,999,689) does not particularly teach changing means for changing the reference criterion according to the alternation of the commercial characteristic detected by the alternation detecting means as claimed.

However, Iggulden (US 5,987,210) teaches changing means for changing the reference criterion according to the alternation of the commercial characteristic detected by the alternation

Art Unit: 2613

detecting means (col. 8, lines 15-33, the scene change detector detects the reference criterion according to the commercial characteristic). Therefore, taking the teachings of Iggulden (US 6,002,443) and (US 5,987,210) as a whole, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Iggulden (US 5,987,210) into (US 6,002,443) for the same purpose changing the reference criterion based upon the alternation detecting means. Doing so would allow the alternation detecting means to minimize the number of false events (programs and commercials) detected as suggested by Iggulden (US 5,987,210; col. 8, lines 29-30).

#### ***Allowable Subject Matter***

8. Claims 39, 60, 82 are allowed.

Claims 4-5, 8-16, 26-27, 30-38, 47-48, 51-59, 69-70, and 73-81 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the previous Office Action.

#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

Art Unit: 2613

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

  
TUNG T. VO  
PATENT EXAMINER

Tung T. Vo  
Examiner  
Art Unit 2613

T.Vo